

2:15-CR-00229-DWA

4. The 2 men entered and then exited an apartment. As Defendant ran from the apartment, Gresseem chased Defendant and eventually detained Defendant, who was then on the ground of a hillside between 2 rows of apartments.

5. As Gresseem was cuffing Defendant, who was lying on the ground, Gresseem instructed Defendant to roll over and slide to the bottom of the hillside.

6. Gresseem's partner, Marc Strunk, arrived at the time Defendant began to roll down the hillside and observed a gun in Defendant's waistband, which then fell onto the ground as Defendant was rolling.

7. The gun was retrieved by the security officers.

8. Thereafter, Defendant was arrested under state law. On October 27, 2015, Defendant was indicted by a grand jury in this Court for possessing a firearm after having been convicted of a felony.

9. Defendant had filed the instant Motion to Suppress the firearm seized from him or nearby on June 13, 2015.

CONCLUSIONS OF LAW


1. The Defendant's presence on Mon View Heights Property on June 13, 2015 was in violation of the Notice of Defiant Trespass issued against Defendant on December 21, 2012. Therefore, there was probable cause for Defendant's arrest.

2. The gun was observed in plain view by the security officers after Defendant was detained. The gun was lawfully seized pursuant to the plain view doctrine.

ORDER OF COURT

And now, this 21st day of June, 2016, Defendant's Motion to Suppress [51] is denied.

BY THE COURT:



Donetta W. Ambrose,
United States Senior District Judge